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ICONIC MOTORS, INC. d/b/a ELGIN VOLKSWAGEN
SLEVIN CAPITAL INVESTMENTS, INC.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 *In re: Volkswagen 'Clean Diesel' Marketing,*
12 *Sales Practices, and Products Liability*
Litigation

LEAD CASE No. 15-md-02672- CRB

DECLARATION OF JOSHUA J.
CAUHORN

13 This document relates to:

14 *Iconic Motors, Inc. v. Volkswagen Group of*
15 *America, Inc.*, No. 3:17-cv-3185-CRB
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1 I, Joshua J. Cauhorn, declare as follows:

2 1. I am a partner with the law firm of Burke, Warren, MacKay & Serritella, P.C. and
3 one of the counsel of record for Plaintiffs, Iconic Motors, Inc. d/b/a Elgin Volkswagen ("Elgin VW")
4 and Slevin Capital Investments, Inc. ("SCI") (collectively, the "Iconic Plaintiffs"). Except where
5 stated on information and belief, I have personal knowledge of the facts set forth herein and, if called
6 and sworn as a witness, I can and will testify competently under oath to all such facts.

7 2. I provide this declaration in support of the Iconic Plaintiffs' Motion to Remand and
8 Motion to Stay Defendants, Robert Bosch, LLC and Robert Bosch GmbH (collectively "Bosch"),
9 Motion for Summary Judgment (the "Motion").

10 3. On July 6, 2018, the Iconic Plaintiffs served their first Requests for Production to
11 Volkswagen Group of America, Inc. and Volkswagen Aktiengesellschaft (collectively,
12 "Volkswagen"), and Volkswagen responded on September 4, 2018.

13 4. On February 21, 2020, the Iconic Plaintiffs served their First Requests for Production
14 to Bosch, and Bosch responded on May 29, 2020.

15 5. On March 6, 2020, Bosch served their First Requests for Production and First
16 Requests to Admit to the Iconic Plaintiffs, and the Iconic Plaintiffs responded on May 29, 2020 and
17 May 22, 2020, respectively.

18 6. As part of discovery common to the MDL, the Iconic Plaintiffs obtained copies of
19 approximately thirty (30) deposition transcripts of Volkswagen and Bosch personnel, including the
20 depositions of Bosch's corporate representatives. The Iconic Plaintiffs also negotiated access to
21 documents produced by Volkswagen, as well as the production of documents from Bosch totaling
22 over four million pages of documents.

23 7. On February 2, 2024, the Iconic Plaintiffs served their First Set of Interrogatories and
24 their Requests for Admission to Bosch, and Bosch responded on April 12, 2024.

1 8. A true and accurate copy of the Iconic Plaintiffs' Rule 37 Letter sent to Bosch on
2 May 20, 2024 is attached hereto as **Exhibit A**.¹

3 9. A true and accurate copy of Email communications between former counsel for
4 Bosch, Zach Tschida, and me from May 30, 2024 – July 20, 2024 is attached hereto as **Exhibit B**.

5 10. A true and accurate copy of Email communications between counsel for Bosch,
6 Patrick Swiber and Carmine Boccuzzi, and me from July 30, 2024 – September 9, 2024 is attached
7 hereto as **Exhibit C**.

8 11. A true and accurate copy of an Email communication from Mr. Swiber to me on
9 September 11, 2024 is attached hereto as **Exhibit D**.

10 12. I certify that Exhibits A, B, C, and D are accurate and true copies of correspondences
11 that took place at their respective times and dates with the respective parties specified therein.

12 13. A true and accurate copy of the Iconic Plaintiffs' Rule 26(a)(1) Disclosures that was
13 served on Bosch on July 13, 2018 is attached hereto as **Exhibit E**.

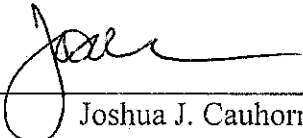
14 14. It is anticipated that other than the resolution of the requests to admit, discovery in
15 this matter will largely be case-specific and focused in and around Illinois and the Midwest,
16 including depositions of third-party witnesses, such as the certified appraisers who authored the
17 2014 appraisal (Paul D. Conn and Clayton P. Conn), the certified appraisers who authored the 2018
18 appraisal (Arthur J. Murphy, Arthur J. Murphy III, and Christopher M. Strama), the developers,
19 construction company and consultants associated with the land purchase and construction of Elgin
20 VW (in Illinois), and the local Volkswagen personnel who engaged directly with Mr. Slevin and the
21 Iconic Plaintiffs.

22 15. Separately, the parties have not yet engaged in expert discovery, which the Iconic
23 Plaintiffs anticipate will be largely focused on the Iconic Plaintiffs' individualized damages.

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27 ¹ Redactions have been made to this exhibit out of an abundance of caution to avoid the disclosure of
28 information Bosch designated as confidential. The redacted information is not relevant to the Motion.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 25th day of September, 2024, in Chicago, Illinois
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7 Joshua J. Cauhorn
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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2024, the within document was filed with the Clerk of Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Danielle J. Gould

DANIELLE J. GOULD, *pro hac vice*

*Attorney for Iconic Motors, Inc. d/b/a Elgin
Volkswagen and Slevin Capital Investments, Inc.*